

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

KENNETH D. KEATON,

Plaintiff,

v.

KEN EGGLESTON ACCOUNTING
SERVICES, MICHELLE A. KEATON,
and LOIS M. CHRISTENSEN,

Defendants.

Case No. 17-CV-1404-JPS

ORDER

Plaintiff, proceeding *pro se*, filed this action on October 13, 2017. (Docket #1). Along with his complaint, he submitted a request for leave to proceed *in forma pauperis*. (Docket #2). Pursuant to 28 U.S.C. § 1915, the assigned judge, Magistrate Judge David E. Jones, screened Plaintiff's complaint. (Docket #4). Magistrate Jones has filed a report and recommendation with this Court concerning the screening, and he recommends that the complaint be dismissed for lack of subject-matter jurisdiction. *Id.* The magistrate found that Plaintiff's claims arise, if at all, only under state law, and that there exists no other applicable basis for this Court's jurisdiction. *See id.* at 2–3.

Plaintiff has consented to magistrate judge jurisdiction in this matter, but Defendants have not, as they have not yet been served with the complaint. Magistrate Jones issued his recommendation because, according to the Court of Appeals in *Coleman v. Labor & Industry Review Commission of Wisconsin*, 860 F.3d 461 (7th Cir. 2017), without consent to his jurisdiction from all parties, to include even the unserved Defendants, he lacks authority to finally dispose of the case.

In his recommendation, Magistrate Jones informed Plaintiff that, pursuant to 28 U.S.C. § 636(b)(1)(B) and (C), Federal Rule of Civil Procedure 72(b)(2), and General Local Rule 72(c), Plaintiff had fourteen days to file an objection to the recommendation. (Docket #4 at 3). That deadline has passed and the Court has received no objection from Plaintiff. Having received no objection thereto, and in full agreement with Magistrate Jones' analysis and conclusion therein, the Court will adopt the recommendation.

Accordingly,

IT IS ORDERED that Magistrate Judge David E. Jones' October 20, 2017 Report and Recommendation (Docket #4) be and the same is hereby **ADOPTED**;

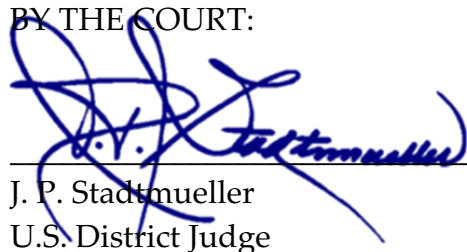
IT IS FURTHER ORDERED that this action be and the same is hereby **DISMISSED without prejudice** for lack of subject-matter jurisdiction; and

IT IS FURTHER ORDERED that Plaintiff's motion for leave to proceed *in forma pauperis* (Docket #2) be and the same is hereby **DENIED as moot**.

The Clerk of the Court is directed to enter judgment accordingly.

Dated at Milwaukee, Wisconsin, this 9th day of November, 2017.

BY THE COURT:



J. P. Stadtmueller
U.S. District Judge